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PATENT
Customer No. 22,852
Attorney Docket No. 07883.0111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Robert Edward KOHLER et al.) Group Art Unit: 3731
)
Application No.: 10/052,156) Examiner: (Jackie) Tan-Uyen T. Ho
)
Filed: January 16, 2002)
) Confirmation No.: 1036
For: ENCASED IMPLANT AND)
METHODS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SUBSTANCE OF INTERVIEWS

As an initial matter, Applicants would like to thank the Examiner for conducting telephonic interviews with Applicants' undersigned representative on January 11, 2005, February 24, 2005, and March 22, 2005. Further to 37 C.F.R. § 1.133 and M.P.E.P. § 713.04, Applicants hereby submit a summary of the telephonic interviews.

During the course of the interview, the Examiner brought U.S. Patent Nos. 6,764,518, 6,537,310, 5,552,881, 5,123,917 to Applicants' attention.

With regard to U.S. Patent No. 6,764,518 to Godin ("Godin"), the Examiner asserted that Godin disclosed the subject matter of independent claims 1, 15, and 25 as set forth in the Amendment After Final filed December 22, 2004, and additionally disclosed the aspect of the tubing being folded over one of the first and second ends of the scaffold.

With regard to U.S. Patent No. 6,537,310 to Palmaz et al. ("Palmaz"), the Examiner asserted that Palmaz disclosed the subject matter of independent claims 1, 15, and 25 as set forth in the Amendment After Final filed December 22, 2004, including the aspect of tubing including a portion in extension away from and/or remote from the scaffold.

With regard to U.S. Patent No. 5,522,881 to Lentz ("Lentz"), the Examiner asserted that Lentz disclosed the subject matter of independent claims 1, 15, and 25 as set forth in the Amendment After Final filed December 22, 2004, and additionally disclosed the aspect of the tubing being folded over one of said first and second ends of the scaffold.

With regard to U.S. Patent No. 5,123,917 to Lee ("Lee"), the Examiner asserted that Lee disclosed the subject matter of independent claims 1, 15, and 25 as set forth in the Amendment After Final filed December 22, 2004, including tubing including a portion in extension away from and/or remote from said scaffold.

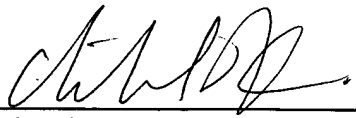
While Applicants do not necessarily agree that each of Godin, Palmaz, Lentz, and Lee disclosed the respective aspects set forth above, in the interests of expediting the prosecution of the application, Applicants agreed to allow the Examiner to amend independent claims 1, 15, and 25, as set forth in the Examiner's Amendment mailed March 30, 2005. The Examiner and Applicants agreed that none of the Godin, Palmaz, Lentz, and Lee disclosed a longitudinal axis of a lumen including a bend between the first end and the second end in combination with the other aspects as set forth in respective independent claims 1, 15, and 25.

Please grant any extensions of time required to enter this Interview Summary
and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 29, 2005

By: 
Michael W. Kim
Reg. No. 51,880